



JFW 1635

S/N 09/888,264

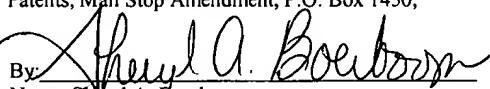
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ADAMS ET AL.	Examiner:	J. ANGELL
Serial No.:	09/888,264	Group Art Unit:	1635
Filed:	JUNE 22, 2001	Docket No.:	11669.187USU1
Confirmation No.:	8727	Customer No.:	23552
Title:	CONTROL OF METABOLISM WITH HUMAN 2-OXOGLUTARATE CARRIER		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on December 3, 2004.

By   
Name: Sheryl A. Boerboom

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in an International Search Report mailed November 4, 2004. At least some of the references were recently cited in an International Search Report mailed November 4, 2004.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. No fee is due as this statement is submitted as certified below under 37 C.F.R. § 1.97(e)(1) or (2) by the undersigned.

**Certification Under 37 C.F.R. §1.97(e)(1)**

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement.

**Certification Under 37 C.F.R. § 1.704(d)**

In accordance with 37 C.F.R. § 1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement. Accordingly, no patent term adjustment is due for the filing of this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided. Enclosed for the Examiner's information is a copy of the International Search Report. Applicant(s) note(s) the following references were also listed in the search report and were previously cited to the Examiner:

1. WO 99/64458;
2. Kallol et al., "Predominant expression of the mitochondrial dicarboxylate carrier in white adipose tissue", *Biochem. J.*, 344:313-320 (1999);
3. Huizing et al., "Human Mitochondrial Transmembrane Metabolite Carriers: Tissue Distribution and Its Implication for Mitochondrial Disorders", *Journal of Bioenergetics and Biomembranes*, 30(3):277-284 (1998)
4. Jezek et al., "Fatty acid cycling mechanism and mitochondrial uncoupling proteins", *Biochimica et Biophysica Acta*, 1365:319-327 (1998);
5. Vidal-Puig et al., "Energy Metabolism in Uncoupling Protein 3 Gene Knockout Mice", *The Journal of Biological Chemistry*, 275(21):16258-16266 (2000);
6. Walker et al., "The Mitochondrial Transport Protein Superfamily", *Journal of Bioenergetics and Biomembranes*, 25(5):435-446 (1993);

7. Yu et al., "Overexpression of the human 2-oxoglutarate carrier lowers mitochondrial membrane potential in HE-293 cells: contrast with the unique cold-induced mitochondrial carrier CGI-69", *Biochem. J.*, 353:369-375 (2001);
8. Yu et al., "Homo sapiens clone 24408 2-oxoglutarate carrier protein mRNA, complete cds", Database Accession No. AF070548 (December 5, 1999); and
9. Zhang et al., "Assessment of uncoupling activity of uncoupling protein 3 using a yeast heterologous expression system", *FEBS Letters*, 449:129-134 (1999).

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

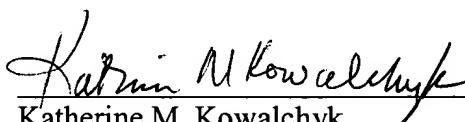
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: December 3, 2004

  
\_\_\_\_\_  
Katherine M. Kowalchyk  
Reg. No. 36,848

**23552**  
PATENT TRADEMARK OFFICE

 <p>FORM 1449 OIP INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) DEC 06 2004 PATENT &amp; TRADEMARK OFFICE</p>	Docket Number: 11669.187USU1	Application Number: 09/888,264
	Applicant: ADAMS ET AL.	
	Filing Date: 06/22/2001	Group Art Unit: 1635

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
						NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
		Scholz et al., "Ontogeny of malate-aspartate shuttle capacity and gene expression in cardiac mitochondria", <i>Am. J. Physiol.</i> , 274 (Cell Physiol. 43): C780-C788 (1998)				
		Copy of European Search Report, dated November 23, 2004				



EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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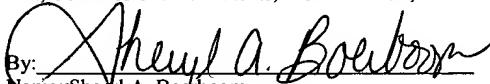
DEC 06 2004

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Applicant: ADAMS ET AL. Examiner: J. ANGELL  
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Filed: JUNE 22, 2001 Docket: 11669.187USU1  
Confirmation No.: 8727 Customer No.: 23552  
Title: CONTROL OF METABOLISM WITH HUMAN 2-OXOGLUTARATE CARRIER

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 3, 2004.

By:   
Name: Sheryl A. Boyboom

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**  
PATENT TRADEMARK OFFICE

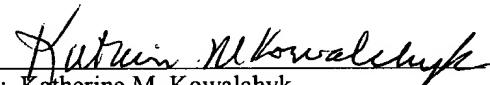
Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Supplemental Information Disclosure Statement, Form 1449, 1 Reference, Copy of International Search Report
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Katherine M. Kowalchyk  
Reg. No.: 36,848  
KKowalchyk:sab